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LETTER

FROM

THE SECRETARY OF STATE,

TRANSMITTING

A COPY OF AN ACT OF THE

LEGISLATURE OF THE STATE OF PENNSYLVANIA,

ENTITLED

AN ACT TO PREVENT KIDNAPPING.

APRIL 18, 1820.

Referred to the Select Committee appointed, on the 18th of March last, to consider
of providing more effectually for reclaiming persons held to service.

WASHINGTON :

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1820.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES :

The Secretary of State, who, by a Resolution of the House of Representatives, of the third instant, was instructed "to procure and transmit to the House, as soon as practicable, a copy of such late act or acts of the Pennsylvania Legislature as prohibit or restrain the justices, aldermen, or other magistrates or officers, of that state, from interposing in the apprehension or surrender of fugitive slaves, provided any such act or acts shall have passed," has the honor of submitting to the House the copy of a letter received from the Secretary of the Commonwealth of Pennsylvania, in answer to the application made in compliance with the instruction of the House, together with the authenticated copy of the act of the Legislature of Pennsylvania therein mentioned.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE,

17th April, 1820.

COMMONWEALTH OF PENNSYLVANIA,

Secretary's Office, Harrisburg, April 12th, 1820.

SIR: Your letter, of the 5th instant, enclosing a copy of a Resolution of the House of Representatives of the United States, instructing you "to procure a copy of such late act or acts of the Pennsylvania Legislature as prohibit or restrain the justices, aldermen, or other magistrates or officers, of Pennsylvania, from interfering in the apprehension or surrender of fugitive slaves, provided any such act or acts shall have been passed," has been duly received; and I have the honor to enclose and transmit a copy of an act entitled "An act to prevent kidnapping," which, although not very accurately described, either in its spirit or letter, I presume is the act alluded to in the Resolution.

I am, sir, very respectfully,

Your obedient servant,

S. D. INGHAM, *Sec'y.*

Honorable JOHN QUINCY ADAMS,

Secretary of State of the United States.

AN ACT TO PREVENT KIDNAPPING.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That, if any person or persons shall, from and after the passing of this act, by force or violence, take and carry away, or cause to be taken and carried away, or shall, by fraud or false pretences, seduce, or cause to be seduced, or shall attempt so to take, carry away, or seduce, any negro or mulatto, from any part or parts of this commonwealth, to any other place or places whatsoever, out of this commonwealth, with a design and intention of selling and disposing of, or of causing to be sold, or of keeping and detaining, or of causing to be kept and detained, such negro or mulatto, as a slave or servant, for a year or years, every such person or persons, his or their aiders and abettors, shall, on conviction thereof, in any court of this commonwealth, having competent jurisdiction, be deemed guilty of a felony, and shall forfeit and pay, at the discretion of the court passing the sentence, any sum not less than five hundred dollars, nor more than two thousand dollars; one half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth; and, moreover, shall be sentenced to undergo a servitude for any term or time, not less than seven years, nor exceeding twenty-one years, and shall be confined, kept to hard labor, fed, and clothed, in manner as is directed by the penal laws of this commonwealth, for persons convicted of robbery.

SEC. 2. *And be it further enacted, by the authority aforesaid,* That, if any person or persons shall, hereafter, knowingly, sell, transfer, or assign, or shall knowingly purchase, take a transfer, or assignment of any negro or mulatto, for the purpose of fraudulently removing, exporting, or carrying such negro or mulatto out of this state, with the design or intent, by force or false pretences, of making him or her a slave or servant for life, or for any term whatsoever; every person, so offending, shall be deemed guilty of a felony; and, on conviction thereof, shall forfeit and pay a fine of not less than five hundred dollars, nor more than two thousand dollars; one half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth; and, moreover, shall be sentenced, at the discretion of the court, to undergo a servitude for any term or time not less than seven years, nor exceeding twenty-one years; and shall be confined, kept to hard labor, fed, and clothed, in manner as is directed by the penal laws of this commonwealth, for persons convicted of robbery: *Provided, always,* That nothing herein contained shall be construed as a repeal or alteration of any part of an act of assembly, passed on the first day of March, one thousand seven hundred and eighty, entitled "An act for the gradual abolition of slavery," nor of any part of an act of assembly, passed on the twenty-ninth day of March, one thousand seven hundred and eighty-eight, entitled "An act to explain and amend an act for the

gradual abolition of slavery," except the seventh section of this last mentioned act, which is hereby supplied and repealed.

SEC. 3. *And be it further enacted, by the authority aforesaid,* That no alderman, or justice of the peace, of this commonwealth, shall have jurisdiction, or take cognizance of the case of any fugitive from labor, from any of the United States or territories, under a certain act of Congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters;" nor shall any alderman, or justice of the peace of this commonwealth, issue or grant any certificate, or warrant of removal of any such fugitive, from labor as aforesaid, upon the application, affidavit, or testimony of any person or persons whatsoever, under the said act of Congress, or under any other law, authority, or act of the Congress of the United States; and if any alderman, or justice of the peace of this commonwealth, shall contravene the provisions of this act, shall take cognizance or jurisdiction of the case of any such fugitive as aforesaid, or shall grant or issue any certificate, or warrant of removal as aforesaid, then, and in either case, he shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not less than five hundred dollars, nor exceeding one thousand dollars; the one half whereof shall be paid to the party prosecuting for the same, and the other half to the use of this commonwealth.

SEC. 4. *And be it further enacted, by the authority aforesaid,* That it shall be the duty of any judge, or recorder of any court of record of this commonwealth, when he grants or issues any certificate, or warrant of removal of any negro or mulatto, claimed to be a fugitive from labor to the state or territory from which he or she fled, in pursuance of an act of Congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters;" he shall make a fair record of the case, in which he shall enter the name, age, sex, and a general description of the person of the negro or mulatto, for whom he shall grant such certificate or warrant of removal, together with the evidence, and the names of places of residence, of the witnesses, and the party claiming such negro or mulatto; and shall, within ten days thereafter, file a certified copy thereof in the office of the clerk of the court of general quarter sessions of the peace of the city or county in which he may reside.

JOSEPH LAWRENCE,

Speaker of the House of Representatives.

WILLIAM MARKS, jr.

Speaker of the Senate.

APPROVED, the twenty-seventh day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.

COMMONWEALTH OF PENNSYLVANIA.

SECRETARY'S OFFICE, HARRISBURG,

April 12th, 1820.

I certify the above, and the foregoing, to be a true copy of the original law, remaining on the files in this office.

WITNESS my hand and seal, the day and year aforesaid.

S. D. INGHAM, *Secretary.*

PENNSYLVANIA, ss.

In the name and by the authority of the Commonwealth of Pennsylvania.

WILLIAM FINDLAY, Governor of the said Commonwealth, to all to whom these presents shall come, *sends greeting:*

KNOW YE, That Samuel D. Ingham, Esq. whose name is subscribed to the instrument of writing hereunto annexed, was, at the time of subscribing the same, secretary of, for, and in, the said commonwealth, duly appointed and commissioned. And full faith and credit is and ought to be given to his official acts accordingly.

Given under my hand, and the great seal of the state, at Harrisburg, this twelfth day of April, in the year of our Lord one thousand eight hundred and twenty, and of the Commonwealth the forty-fourth.

WM. FINDLAY.

By the Governor:

S. D. INGHAM, *Secretary.*